

## ORDINANCE 2017-02

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997 AT CHAPTER 23 INTERGOVERNMENTAL COOPERATION, BY CREATING A NEW ARTICLE XIII, AUTHORIZING THE BOARD OF COMMISSIONERS TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE CAPITAL REGION COUNCIL OF GOVERNMENTS AND ITS MEMBER MUNICIPALITIES TO PARTICIPATE IN THE BUILDING CODE DEPARTMENT FOR BUILDING CODE INSPECTIONS AND PLAN REVIEWS.**

**BE IT ENACTED AND ORDAINED** by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, (“**Board**”) and it is hereby enacted and ordained by the authority of the same as follows:

### **SECTION 1: SHORT TITLE**

This Ordinance shall be known and may be cited as the **Capital Region Council of Governments’ Building Code Department Ordinance**.

### **SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY**

The background of this Ordinance and the legislative intention of the Board in enacting it are as follows:

- A. The Township of Lower Allen is a Municipality of the Commonwealth of Pennsylvania.
- B. The Capital Region Council of Governments is a consortium of Central Pennsylvania Municipalities.
- C. The Act of December 19, 1996, P.L. 1158, No. 177, referred to as the **Intergovernmental Cooperation Law**, 53 Pa. C.S. §2301, *et seq.* provides that two or more Municipalities may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities.
- D. The **Pennsylvania First Class Township Code** authorizes Townships to enter into joint Municipal Agreements with other political subdivisions and member organizations, in making a joint purchase of services or to perform governmental powers and duties.
- E. The Board finds that it is in the best interest of its citizens to arrange for a joint contract with other Municipalities for the purchase of building codes inspection services and plan reviews.

### **SECTION 3: AGREEMENT APPROVED**

Lower Allen Township (“**Township**”) hereby approves entering into an Agreement, a copy of which is attached hereto and incorporated herein by reference, with the intent that the Township shall be bound by the Agreement.

### **SECTION 4: EXECUTION OF DOCUMENTS**

The President or Vice President of the Board of Commissioners, acting alone or together with the Secretary and Assistant Secretary, are hereby authorized and directed on behalf of Lower Allen Township to execute and deliver the Agreement, to execute and deliver such additional instruments, to take such further actions as deemed necessary, or appropriate to carry forth the Agreement and transactions to be effected under the Agreement, including payment of necessary fees to the Capital Region Council of Governments of such amounts that are due from the Township to participate in the Agreement.

### **SECTION 5: RATIFICATION**

All actions of the President or Vice President of Lower Allen Township, heretofore take in the pursuit of the establishment of the **Capital Region Council of Governments Agreement** for the **Uniform Construction Code Building Code Department**, are hereby ratified and approved in all respects.

### **SECTION 6: AUTHORIZATION**

The Board of Commissioners of Lower Allen Township is hereby authorized to take such other action as deemed necessary or appropriate to carry out the purpose of this **Ordinance** and the accompanying **Agreement**.

### **SECTION 7: IMPLEMENTATION**

As required by the **Pennsylvania Intergovernmental Cooperation Act**, the following matters are specifically found and determined:

- A. The conditions of the Agreement are set forth in the Agreement;
- B. Lower Allen Township shall participate in the **Capital Region Council of Governments’ Department for Uniform Construction and Code Enforcement and Inspection and Plan Review** for an initial term of one (1) year to end **December 31, 2017**. The Agreement shall thereafter renew automatically for one-year periods, unless terminated according to the Agreement.
- C. The purpose and objectives of the Agreement are set forth in the Preamble of the Ordinance and the Agreement.
- D. The initial expense of financing the Building Code Department will be based on a start-up fee, and there will be obligations on Lower Allen Township which

will come from normal and usual budgetary amounts for such matters, and also as needed for inspection or enforcement services.

- E. The **Capital Region Council of Governments Uniform Construction Code Building Code** Department shall be managed by the Capital Region Council of Governments with necessary staffing.
- F. All property, whether real or personal, necessary for implementation of the Agreement, will be the property of the Capital Region Council of Governments and its Building Code Department.
- G. The Capital Region Council of Governments shall be empowered to enter into contracts for policies of group insurance or other employee benefits for any staff required by the implementation of the **Uniform Construction Code Building Code Department Agreement**.

**SECTION 8: SEVERABILITY**

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of the Board that this Ordinance would have been adopted had such unconditional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

**SECTION 9: REPEALER**

Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed.

**SECTION 10: EFFECTIVE DATE**

This **Ordinance** shall be effective as provided by law.

**ENACTED AND ORDAINED** this 9<sup>th</sup> day of January, 2017.

ATTEST:

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(Assistant) Secretary

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(Vice) President